

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Vives, et al. Title: DOUBLE SIDE PRINTED RECEIPT Appl. No.: 10/686,909 Filing Date: 10/15/2003 Examiner: Marini, Matthew G. Art Unit: 2854	<div style="border: 1px solid black; padding: 2px;"><u>CERTIFICATE OF FACSIMILE TRANSMISSION</u> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</div> <div style="border: 1px solid black; padding: 2px; text-align: center;"><i>Todd A. Rathe</i> (Printed Name)</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">(Signature)</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">(Date of Deposit)</div>
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REPLY BRIEF ON APPEAL

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer mailed on April 17, 2008. For the following reasons, Appellant respectfully requests that the Board reverse all claim rejections and indicate that a Notice of Allowance respecting all pending claims be issued.

I. Neither Wright (5,456,539) Nor Burikov (6,341,839), Alone or in Combination, Discloses a Print Controller That Communicates with a Print Unit Using Conductive Brushes and a Conductive Bus (Claims 43-52).

As pointed out by Appellants in the Appeal Brief filed March 25, 2008, neither Wright nor Burikov, alone or in combination, discloses a print controller that communicates with a print unit using conductive brushes and a conductive bus. The Examiner has acknowledged that Wright fails to disclose a print controller that

communicates with the print unit using such conductive brushes. As a result, the Examiner attempts to rely upon Burikov.

However, Burikov does not disclose a print controller that communicates with a print unit using conductive brushes. As pointed out by Appellants, Burikov merely to use his conductive brushes to supply power to a carriage. One of ordinary skill in the art recognized a using conductive brushes to power a carriage is not the same as using conductive brushes to "communicate with a print controller."

Examiner's Answer

In response to such points, the Examiner has apparently found a definition which he believes supports his assertion that using conductive brushes to power a power supply of a carriage is the same as using conductive brushes to "communicate with a print controller." In particular, the Examiner asserts that the term "communication" means to "share; the cost to pass from one to another."

However, this definition applied by the Examiner (1) contradicts most other dictionary definitions of the term, (2) contradicts the plain meaning of the term as would be understood by those of ordinary skill in the art, (3) contradicts the clear meaning applied to the term in Appellants' own disclosure, and (4) contradicts the meaning ascribed to the term by the exact same prior art the Examiner attempts to assert against the claims.

1. The Examiner's definition of "communicate" contradicts most other dictionary definitions.

The definition applied by the Examiner contradicts most other dictionary definitions of the term. Most other dictionary definitions of the term do not simply recite to "share; to cause to pass from one to another." In contrast, most other dictionary definitions of the term "communicate" recite that the term means to pass information or knowledge along. For example, the Random House College dictionary revised edition (1984), a copy of which is attached, defines "communicate" as:

1. To impart knowledge of; make known.

The American Heritage Dictionary of the English Language, Fourth Edition (2003), a copy of which is attached, similarly defines "communicate" as:

- a. To convey information about; make known; impart:
communicated his views to all our office

The Collins Essential English Dictionary Second Edition (2006), a copy which is attached, similarly defines "communicate" as:

1. To exchange (thoughts) or make known (information or feelings) by speech, writing or other means.

Thus, each of the Random House College dictionary, the American Heritage Dictionary of the English Language and the Collins Essential English Dictionary similarly define "communicate" as the conveying or **exchange of knowledge or information**. This is exactly how the term is utilized in the claims and in Appellants' own specification. The print controller "communicates" information (the image to be printed) in the form of electrical control signals. In complete contrast, the supply of power to a carriage power supply conveys no such knowledge or information.

2. The Examiner's definition of the term "communicate" contradicts the plain meaning of the term as would be understood by those of ordinary skill in the art.

Those of ordinary skill in the art pertaining to printers, and especially print controllers that drive print units, would NOT consider an electrical connection to a power supply as "communicating" with the power supply. In contrast, those of ordinary skill in the art would simply understand that the electrical connection is simply "electrically connected" to the power supply.

In complete contrast, those of ordinary skill in the art would clearly understand that when a print controller "communicates" with a print unit, the print controller is transmitting printing information in the form of control signals to the print unit which directs a print unit to print a pattern or image. As will be described below, this fact is

evidenced by the use of the term by those in the field in Burikov, the exact same prior art the Examiner attempts to assert against the claims.

3. The Examiner's definition of the term "communicate" contradicts the clear meaning applied to the term in Appellants' own disclosure.

Although it may be true that limitations may not be read into the claim from the specification, the specification does provide context for applying the correct meaning to the term used in the claim. Appellants' specification clearly applies a meaning to the term "communicate" that comports with the same meaning ascribed to the term by most of the other dictionary definitions noted above (the Random House College Dictionary, the American Heritage Dictionary of the English Language, the Collins Essential English Dictionary). Appellants' specification clearly evidences that the term is to mean the transfer of INFORMATION. Appellants' specification specifically states:

An input device 222 such as, for example, a computer, may be used to input the first information and the second information into the print controller 220, which then forwards the first information and the second information to the desired printing unit 206, 208, 210, 212.

(Appellants' Specification, page 9, lines 16-19) (Emphasis added).

4. The Examiner's definition of the term "communicate" contradicts the meaning ascribed to the term by the exact same prior art the Examiner attempts to assert against the claims.

In rejecting the claims, the Examiner relies upon Burikov (6,341,839). It is ironic that the meaning applied to the term "communicate" by Burikov also contradicts the Examiner's definition of the term. It is clear that Burikov also understood the term "communicate" to mean the transfer of information, knowledge or data and NOT simply the transfer of electrical power. For example, when describing the supply of power to the power supply of the carriage using brushes 15, Burikov specifically states:

By means of brushes (15), electric current is applied to the power supply of the carriage (not shown in the FIG.) and to other power consuming devices.

(Burikov, column 4, lines 10-12 () Emphasis added). One should specifically note that Burikov does NOT describe brushes 15 as "communicating" with the power supply of the carriage.

In complete contrast, Burikov does use the term "communication" when describing the transmission of information from its control unit 21 to the print unit over a radio channel. Burikov specifically recites:

an electronic controller (21) for communication over a radio channel with a control unit (not shown in the FIG.) and for ensuring operation of all units of the carriage in the process of developing images.

(Burikov, column 4, lines 18-22) (Emphasis added). When describing the operation of the device, Burikov also goes on to further state that:

information, which should be reproduced on the substrate, is transmitted over the radio channel. When the controller (21), disposed on the carriage, enters the working zone in the process of movement of the carriage, it effects autonomous control of the process of putting the information (in this case by operation of the jet elements) onto the substrate.

(Burikov, column 4, lines 52-57) (Emphasis added). Thus, it is clear that Burikov, who is also in the field of printers, understood the term "communicate" to mean the transmission of information and NOT simply the transfer of electrical power as the Examiner asserts.

In contrast to Burikov which teaches that such information should be "communicated" over a radio channel, Appellants have invented a system in which such information is "communicated" from the print controller to the print unit using brushes. Accordingly, the rejection of claims 43-52 based upon Wright and Burikov should be reversed.

II. Neither Wright (5,456,539), Burikov (6,341,839) nor Shen (6,623,105), Alone or in Combination, Discloses a Print Controller That Communicates with a Print Unit by Providing Power to SELECTED Resistors for Firing the SELECTED Resistors Using Conductive Brushes and a Conductive Bus (Claims 55-57).

As pointed out by Appellants in the Appeal Brief filed March 20 5, 2008, neither Wright, Burikov nor Shen, alone or in combination, disclose a print controller that provides to selected resistors for firing the selected resistors using conductive brushes and a conductive bus. Even assuming, arguendo, that it would be obvious to modify Wright and Burikov to include the inkjet print head of Shen, the firing of selected resistors of Shen would be the result of information "communicated" over the radio channel of Burikov and not using brushes 15 of Burikov. The electrical power supplied by brushes 15 to the power supply unit of the carriage 8 of Burikov would not result in SELECTED resistors being fired. Accordingly, the rejection of claim 55-57 should be reversed.

III. Conclusion

In view of the foregoing, the Appellants submit that (1) claims 43-51 are not properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,456,539 (Wright) in view of US Patent 6,341,839 (Burikov) and are therefore patentable; (2) claim 52 is not properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,456,539 (Wright) in view of US Patent 6,341,839 (Burikov) and further in view of Japanese Patent 04310770 (Inoue) and is therefore patentable; and (3) claims 55-57 are not properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,456,539 (Wright) in view of US Patent 6,341,839 (Burikov) and further in view of US Patent 6,623,105 (Shen) and are therefore patentable. Accordingly, Appellants respectfully request that the Board reverse all claim rejections and indicate that a Notice of Allowance respecting all pending claims should be issued.

Summary

For the foregoing, it is submitted that the Examiner's rejections are erroneous, and reversal of the rejections is respectfully requested.

Dated this 17th day of June, 2008.

Respectfully submitted,

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v.tr.

1.

- a. To convey information about; make known; impart:
communicated his views to our office.
- b. To reveal clearly; manifest: *Her disapproval communicated itself in her frown.*

2. To spread (a disease, for example) to others; transmit: *a carrier who communicated typhus.*

v.intr.

1. To have an interchange, as of ideas.
2. To express oneself in such a way that one is readily and clearly understood: *"That ability to communicate was strange in a man given to long, awkward silences" Anthony Lewis.*
3. Ecclesiastical To receive Communion.
4. To be connected, one with another: *apartments that communicate*

[Latin *communicāre*, *communīcāt-*, from *communis*, *common*; see *mei-* in Indo-European roots.]

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communicate

Verb

[-cating, -cated]

1. to exchange (thoughts) or make known (information or feelings) by speech, writing, or other means
2. (usually foll. by *to*) to transmit (to): *the reaction of the rapturous audience communicated itself to the performers*
3. to have a sympathetic mutual understanding
4. *Christianity* to receive Communion [Latin *communicare* to share]

communicator *n*

communicative *adj*

Collins Essential English Dictionary 2nd Edition 2006 © HarperCollins Publishers 2004, 2006

Thesaurus

Legend: Synonyms Related Words Antonyms

- Verb 1. **communicate** - transmit information : "Please communicate this message to all employees"; "pass along the good news"
- pass along, put across, pass on, pass
 - implant, plant - put firmly in the mind; "Plant a thought in the students' minds"

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